REMARKS

Claims 1-18 remain in the application. Claims 9 and 17 have been amended. A version with markings to show changes made follows page 4. This amendment is being submitted in order to place the claims in better form for consideration on appeal.

Claim 9 has been amended to specify that the body part mentioned is the body part of a human subject.

Claim 17 has been amended to delete the expression "[collecting]" therefrom.

The foregoing amendments do **not** touch the merits of the application; accordingly, a showing under 37 C.F.R. 1.116(c) is not expected. The amendment is being submitted solely to place the claims in better form for consideration on appeal. The amendment was not earlier presented because the errors corrected were first noticed when the undersigned was reviewing the Brief on Appeal prior to submission thereof. The present amendment is being presented at this time because the claims, if amended as proposed, would place the claims in better form for consideration on appeal. Because the amendments require only a cursory review by the Examiner, the Examiner has sufficient grounds for entering the amendment.

Respectfully submitted,
O.S. Khalil, et al.

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ABBOTT LABORATORIES
Telephone: (847) 937-6182
Facsimile: (847) 938-2623

David L. Weinstein
Registration No. 28,128
Attorney for Applicants

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Kindly rewrite claims 9 and 17 as follows:

9. (Twice amended) A method for determining concentration of an analyte in a body part of a human subject, said method comprising the steps of:

(a) measuring at least one optical property at a first area on said body part to obtain a first set of data, said first area being subjected to a first temperature program;

(b) measuring at least one optical property at a second area on said body part to obtain a second set of data, said second area being subjected to a second temperature program, said second temperature program being different from the first temperature program, said second area of said body part being morphologically similar to said first area of said body part, said second area of said body part not substantially overlapping with said first area of said body part, and said second area of said body part being adjacent to said first area of said body part; and

(c) inserting said first set of data and said second set of data into a mathematical relationship to calculate said concentration of said analyte.

17. (Twice amended) An apparatus for determining a disease state of a human subject or concentration of an analyte in a body part of a human subject, said apparatus comprising:

(a) at least one source of light capable of illuminating at least two morphologically similar, adjacent, not substantially overlapping areas of said body part with light;

(b) at least one light collecting element to collect [[collecting]] light re-emitted from said at least two areas of said body part;

(c) a detector for measuring the intensity of said re-emitted light collected at said two areas of said body part; and

(d) a controller for controlling the temperature of said at least two areas of said body part simultaneously by means of temperature programs.